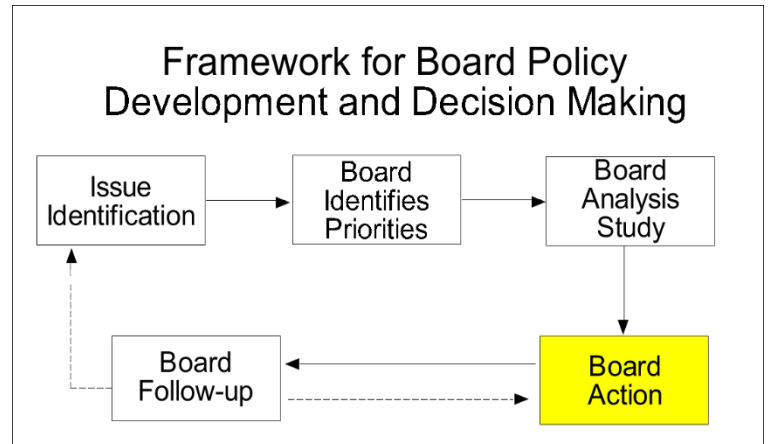


Iowa State Board of Education

Executive Summary

September 14, 2023



Agenda Item: Rules: 281 IAC Chapter 3 – Declaratory Orders (Notice of Intended Action)

State Board Priority: All priorities

State Board Role/Authority: This rule making is proposed under the authority provided by Iowa Code section 17A.9.

Presenter(s): None (consent agenda)

Attachment(s): One

Recommendation: It is recommended that the State Board give notice of its intent to amend Chapter 4.

Background: As part of the Department's review of rules under Executive Order 10, the Department determined a large portion of this chapter recites statutory text, or was aspirational in nature. That text has been removed and the chapter simplified.

EDUCATION DEPARTMENT[281]

Notice of Intended Action

The State Board of Education hereby proposes to amend Chapter 3, “Declaratory Orders,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 17A.9.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 17A.

Purpose and Summary

As part of the Department’s review of rules under Executive Order 10, the Department determined nearly the entirety of this chapter is duplicative of the uniform rule chapter on declaratory orders, which may be incorporated by reference.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department of Education no later than 4:30 p.m. on October 24, 2023. Comments should be directed to:

Thomas A. Mayes

Grimes State Office Building; 400 E. 14th Street, Des Moines, IA 50319

Thomas.Mayes@iowa.gov or 515-281-8661

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows on the following two dates:

Hearing 1: October 24, 2023, 9:00 to 9:30 a.m.; Grimes State Office Building, State Board Room, Second Floor, Des Moines.

Hearing 2: October 24, 2023, 5:00 to 5:30, Davenport, LOCATION TBA.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department of Education and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Rescind 281—Chapter 3 and adopt the following **new** chapter in lieu thereof:

CHAPTER 3
DECLARATORY
ORDERS

281—3.1(17A) Incorporation by reference. The Iowa department of education adopts by reference the declaratory orders segment of the Uniform Rules on Agency Procedure, which are published on the general assembly’s website at www.legis.iowa.gov/DOCS/Rules/Current/UniformRules.pdf.

281—3.2(17A) Additional information concerning declaratory orders. For purposes of uniform rules on declaratory orders, the following amendments apply.

1. In lieu of “(designate agency)” insert “Iowa department of education”.
2. In lieu of “(designate office)” insert “Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
3. In lieu of “____ days (15 or less)” insert “15 days”.
4. In lieu of “____ days” insert “15 days”.
5. In lieu of “(designate official by full title and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
6. In lieu of “(specify office and address)” insert “General Counsel, Iowa Department of Education, Grimes State Office Building, Second Floor, 400 East 14th Street, Des Moines, Iowa 50319-0146”.
7. Method of service, time of filing, proof of mailing, the date of issues of an order, or a refusal to issue an order are governed by 281—Chapter 6.

These rules are intended to implement Iowa Code section 17A.9.